

**Notice of Allowability**

Application No.

09/678,255

Examiner

Bernard E Souw

Applicant(s)

TANABE, MASAYUKI

Art Unit

2881

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE dated 11/04/2003.
2. ☒ The allowed claim(s) is/are 1,5-9 and 11-51.
3. ☒ The drawings filed on 03 October 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).**

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachments**

- |  |  |
|--|--|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                             | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 6 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. <u>10</u> |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____  | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment                     |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance    |
|  | 9 <input type="checkbox"/> Other   |

**DETAILED ACTION**

***EXAMINER'S AMENDMENT***

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

**IN THE CLAIMS:**

In claim 18, line 1, after "*An optical*", prior to "*according*", delete "***instruction***" and insert -- ***instrument*** --.

Authorization for this Examiner's Amendment has been given during a phone conversation on November 24, 2003, with Applicants' Attorney, Mr. Justin J. Oliver, Esq., Reg. No. 44,986.

***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 04, 2003 has been entered.

***Applicant's Amendments***

3. The Amendment filed along with the RCE filed on 11/04/2003 has been entered. This amendment has been made according to the guidelines already discussed and agreed upon during a telephone interview with Applicants' Attorney, Mr. Justin J. Oliver, on October 08, 2003 (see attached Interview Summary).

Claims 1, 17, 22 and 27 have been amended, and new claims 32-51 have been added. The present Office Action is made with all the suggested amendments being fully considered.

Pending in this Office Action are claims 1, 5-9, 11-31, and new claims 32-51.

***§ 112 Rejection Withdrawn***

4. All independent claims having been properly amended/cancelled, the previous rejections under 35 USC § 102(a) and (e) and § 103(a) is/are now withdrawn.

***ALLOWANCE***

5. Claims 1, 5-9 and 11-51 are allowed.

Claims 1, 5-9 and 11-51 are subsequently renumbered by the Examiner to claims 1-47.

***Reasons for Allowance***

6. The following is an examiner's statement of reasons for allowance:

An optical instrument equipped with (a) sensor(s) for detecting potential contaminants in the ambient air and (b) means for producing ozone --supposedly to

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have cleaning, instead of deteriorating, effects on the optical elements— from oxygen by virtue of UV light, or means for photochemically destroy the potential contaminants, right before their harmful deposition on the optical elements occurs, such that a potential deterioration of the optical instrument can be effectively suppressed or prevented, is neither anticipated nor rendered obvious by any prior art.

Method claims 16, 26, 31 and 48-51 are also allowed because of the specific use of the optical instrument specified by the allowed device claims 1, 5-9, 11-51 and/or other claims dependent thereof.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Communications***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernard E Souw whose telephone number is 703 305 0149. The examiner can normally be reached on Monday thru Friday, 9:00 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R Lee can be reached on 703 308 4116. The central fax phone

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number for the organization where this application or proceeding is assigned is (703) 872-9306 for regular communications as well as for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0956.

bes

~~August 12, 2003~~  
Dec. 1, 2003

  
J. W. R. LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2000